

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MICHAEL RAY TURNER,

Plaintiff,

vs.

DAKOTA COUNTY CORRECTIONAL FACILITY, BECKY, Stg., badge # unknown, Individual and Official capacity; DR LONG, cpl., badge# unknown, Individual and Official capacity; MARQUEZ, cpl., badge # unknown, Individual and Official capacity; and ADAM HOUGH, Sgt., badge #97053, Individual and Official capacity;

Defendants.

8:25CV19

MEMORANDUM AND ORDER

This matter is before the Court on its own motion. Plaintiff Michael Ray Turner filed with the Court a Complaint on January 21, 2025. [Filing No. 1](#). Plaintiff failed to include the \$405.00 filing and administrative fees or a request to proceed in forma pauperis (“IFP”) with his Complaint. Plaintiff has another pending civil case in this court—Case No. 8:24CV492—in which the Court granted Plaintiff leave to proceed IFP on December 30, 2024, and ordered Plaintiff to file an amended complaint by January 29, 2025. See [Filing No. 56](#), Case No. 8:24CV492. In Case No. 8:24CV492, Plaintiff filed a document captioned “Motion: Amended Complaint” on January 21, 2025—the same date the present Complaint was filed in this case—which the Clerk’s office docketed as an amended complaint. [Filing No. 57](#), Case No. 8:24CV492. Both the present Complaint and the “Motion: Amended Complaint” in Case No. 8:24CV492 seek damages against the Dakota County Correctional Facility and the same four correctional officers and arise out of the same set of facts. Compare [Filing No. 1](#) with

Filing No. 57, Case No. 8:24CV492. Thus, upon examination, the Court believes Plaintiff's pleading in the present case is more properly construed as an amended complaint intended for filing in Case No. 8:24CV492. Accordingly,

IT IS ORDERED that:

1. The Clerk of the Court is directed to close this case for statistical purposes.
2. The Clerk of the Court is directed to file Plaintiff's Complaint, Filing No. 1, as an amended complaint in Case No. 8:24CV492.
3. The Clerk of the Court is further directed to modify the docket text and docket event for Filing No. 57 in Case No. 8:24CV492 to show that Filing No. 57 is a "Motion to Amend Complaint." The Clerk of the Court is directed to enter a public remark in Case No. 8:24CV492 to reflect that the docket entry for Filing No. 57 was amended per this Memorandum and Order.
4. To avoid confusion in the future, any document Plaintiff sends to the Court for filing must include the correct case number (i.e. 8:24CV492).

Dated this 31st day of January, 2025.

BY THE COURT:



Joseph F. Bataillon
Senior United States District Judge